

Court of Appeals, State of Michigan

ORDER

David Brown v Unitrin Direct Insurance

Docket No. 283329

LC No. 06-628612-NF

Kirsten Frank Kelly
Presiding Judge

Kurtis T. Wilder

Karen M. Fort Hood
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the January 7, 2008, order of the Wayne Circuit Court granting partial summary disposition hereby is REVERSED IN PART. Given the factual disputes on the record, the court should not have granted summary disposition to plaintiff regarding his status as an innocent third party. *Maiden v Rozwood*, 461 Mich 109, 120-121; 597 NW2d 817 (1999). As a result, the circuit court likewise should not have granted summary disposition to intervening plaintiff Henry Ford and defendant State Farm Mutual Automobile Insurance Company. This Court does not disturb the circuit court's ruling regarding plaintiff's constructive ownership of the van in light of *Iqbal v Bristol West Ins Group*, 278 Mich App 31; 748 NW2d 574 (2008). The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 10 2008

Date

Sandra Schultz Mengel
Chief Clerk